

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(Eastern Division)

COMMONWEALTH CARE
ALLIANCE, HEALTH CARE FOR
ALL, GLENN CRENSHAW, AND
PAULA CRENSHAW, individually
and on behalf of persons similarly
situated,

Plaintiffs

v.

ASTRAZENECA
PHARMACEUTICALS L.P.,
ASTRAZENECA PLC,
ASTRAZENECA US, ZENECA, INC.,
AND ZENECA HOLDINGS, INC.,

Defendants.

No. 05 CV 10-335-DPW

**STIPULATION TO VOLUNTARY REMAND AND
EXTENSION OF DEFENDANTS' TIME TO ANSWER**

WHEREAS, AstraZeneca Pharmaceuticals LP, AstraZeneca PLC, AstraZeneca US, Zeneca, Inc. and Zeneca Holdings, Inc. ("Defendants")¹ filed a Notice of Removal based upon the good faith belief that federal jurisdiction over this action existed because, the Defendants' believed, based on the allegations of the Class Action Complaint and Jury Demand (the "Complaint") that: (a) there was complete diversity between all plaintiffs and all defendants; (b) the value of Plaintiff Commonwealth Care Alliance's claim exceed \$75,000, exclusive of

¹ Defendants hereby do not generally appear, but make only a limited appearance for purposes of stipulating to remand. In so doing, the Defendants do not waive any objection to the Court's jurisdiction or other defenses. The parties stipulate and agree that, by filing this stipulation, the Defendants have not waived any objection to the Court's jurisdiction or other defenses.

interests and costs, *see* 28 U.S.C. § 1332; and (c) this Court could exercise supplemental jurisdiction over all other putative class members pursuant to 28 U.S.C. § 1367.

WHEREAS, the Plaintiffs have opposed the Defendants' removal to federal court on the foregoing grounds and have filed a motion to remand the action to state court, which motion is currently pending before this Court;

WHEREAS, subsequent to the filing by the Defendants of the notice of removal and subsequent to the filing of Plaintiffs' Motion to Remand, Plaintiff Commonwealth Care Alliance, through the sworn affidavit of its Chief Operating Officer and through correspondence between counsel for the Plaintiffs and counsel for the Defendants, has stated that its total expenditures on Nexium[®] for the putative class period and up to February 28, 2005 are a total of \$1,608.71;

NOW, therefore, the parties, by and through their undersigned counsel, hereby stipulate and agree as follows:

1. The above-referenced action is hereby remanded and returned to the Suffolk Superior Court, Commonwealth of Massachusetts, Business Litigation Session, before the Honorable Justice Allan van Gestel;

2. Following remand to the Business Litigation Session, (1) the Defendants shall have until and including the later of May 6, 2005 or the tenth day after receipt by the Defendants of a notice of remand to the Superior Court, to file a motion, answer and/or otherwise respond to the Complaint pending in this action; (2) the Plaintiffs shall have until and including the 30th day after service by the Defendants of any motion to dismiss or other response to the Complaint to object to such motion or other response; and (3) Defendants shall have until and including the 20th day thereafter to file a reply to any such opposition filed by the Plaintiffs.

Respectfully submitted,

COMMONWEALTH CARE ALLIANCE,
HEALTH CARE FOR ALL, GLENN
CRENSHAW, PAULA CRENSHAW

By their attorneys,

ASTRAZENECA
PHARMACEUTICALS LP
ASTRAZENECA PLC
ASTRAZENECA US
ZENECA, INC.
ZENECA HOLDINGS, INC.

By their attorneys,

"/s/" Wanda L. Garcia

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Dated: April 6, 2005

"/s/" Peter L. Welsh

Peter L. Welsh (BBO #643261)
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Joshua S. Levy (BBO #563017)

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So ordered,

Hon. Douglas P. Woodlock
United States District Judge